

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMES DAVID McCLAIN,

Case No. 3:14-cv-00269-MMD-VPC

Petitioner,

ORDER

v.

ROBERT LeGRAND, et al.,

Respondents.

Petitioner has filed an amended petition. (Dkt. no. 16.) The Court has reviewed it pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The Court will direct respondents to file a response.

Petitioner has filed an unopposed motion for leave to file exhibit under seal. (Dkt. no. 18.) The exhibit is a copy of petitioner's pre-sentence investigation report, which is confidential under state law and which contains sensitive information. The Court grants this motion.

It is therefore ordered that respondents shall have forty-five (45) days from the date of entry of this order to answer or otherwise respond to the amended petition. (Dkt. no. 16.) Respondents shall raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. Successive motions to dismiss will not be entertained. If respondents file and serve an answer, then they shall comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts, and then petitioner shall have forty-five (45) days from the date on which the answer is served to file a reply.

1 It is further ordered that petitioner's unopposed motion for leave to file exhibit
2 under seal (dkt. no. 18) is granted.

3 DATED THIS 18th day of June 2015.

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6 MIRANDA M. DU
7 UNITED STATES DISTRICT JUDGE
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